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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/502,627	02/11/2000	Martin Tobias	53326-018	5454

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Shaw Pittman L.L.P.
1650 TYSONS BOULEVARD
Suite 1300
McLEAN, VA 22102

EXAMINER
KE, PENG

ART UNIT	PAPER NUMBER
2174	

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>28 February 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,3-10 and 12-20</u> is/are pending in the application.

　 4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1,3-10 and 12-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All　b)☐ Some *　c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　 Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
　 Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

This action is responsive to communications: Amendment, filed on 2/28/05.

Claims 1, 3-10, and 12-20 are pending in this application. Claims 1, 10, and 19 are

independent claims. In the Amendment, filed on 2/28/05, claims 1, 10, and 19 were amended.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claims 1, 5, 10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Wiser et al. (US 6,385,596) in view of Gongwer et al. (US 6,138,120) in view of Speicher (US

2004/0260792)

As per claim 1, Wiser teaches a method for providing encoded media content over a

network, the method comprising the computer-implemented steps of:

receiving over the network a first request to encode one or more media program files;

For each media program file to be encoded, receiving a selection of one or more encoding

formats for encoding the media program file, wherein the first request and the selection are

received from a client that is connected to the network (col. 10, lines 51-55);

in response to receiving the first request, servicing the first request by automatically

generating one or more encoded media files by encoding the media program in the one or more

selected encoding formats (col.7, lines 4-14), and

after encoding the media program in the one or more encoding formats,

And if the client does not request hosting of the one or more encoded media files,

enabling the client to access the one or more encoded media files without hosting the files for

access on a hosting server (col. 9, lines 46-68).

However, Wiser fails to teach if the client, in a second request, request hosting of the one

or more encoded media files, automatically hosting the one or more encoded media files on a

hosting server (col.9, lines 39-45) wherein the hosting server is configured to allow selective

access by visitors to the one or more encoded media files over the network, as determined by the

client (col.9, lines 46-68).

Gongwer teaches a method that allows original client of the client-server session to

permit another independent client to share the data of the session (col. 1 ,lines 45-56)

It would have been obvious to an artisan at the time of the invention to include

Gongwer's teaching with method of Wiser in order to permit the client to share data with a third

party.

However Wiser and Gongwer fail to teach the selected encoding format being selected

from a first encoding format with a first coder/decoder ("codec") and a second format with a

second codec that differs from the first codec.

Speicher teaches the selected encoding format being selected from a first encoding format with a first coder/decoder ("codec") and a second format with a second codec that differs from the first codec. (paragraph 70-73)

It would have been obvious to an artisan at the time of the invention to include Speicher's teaching with method of Wiser and Gongwer in order to allow user to view different video formats.

As per claim 5, Wiser, Gongwer, and Speicher teach the method of claim 1. Wiser further teaches the method wherein the selective access includes access given to a visitor of the network and which allows the visitor to receive a publication of at least one of the one or more encoded media files in response to a request by the visitor to receive the publication (col. 11, lines 51-56).

Claims 10 and 14 are similar in scope to claims 1 and 5 respectively, and are therefore rejected under similar rationale.

Claims 3-4 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiser et al. ("Wiser", US 6,385,596) in view of Gongwer et al. (US 6,138,120) in view of Speicher (US 2004/0260792).

As per claim 3, Wiser, Gongwer, and Speicher teach the organization of encoded media files into lists. However, they fail to specifically disclose the method allowing the client to create a tree structure directory for organizing the encoded media files. Official Notice is given that using a tree structure directory to organize files is well known in the art. It would have been obvious to an artisan at the time of the invention to include the method of organizing the files

into a tree structure directory with Wiser's method as a matter of organization preference and an

improved method of locating files efficiently.

As per claim 4, Wiser, Gongwer, and Speicher teach the method claim 1. Wiser teaches

the step of providing real-time reporting of statistics on the one or more encoded media files that

are hosted at the hosting server (col. 11, lines 51-56). Furthermore, Wiser suggests the client to

be able to manage the media files (col.27, lines 3-4). However, Wiser fails to teach the step of

allowing the client to entering commands dynamically to determine whether to remove the one

or more encoded media files from publication. Official Notice is given that file management to

include operations to add/remove is well known in the art. It would have been obvious to an

artisan at the time of the invention to include the removal operation with Wiser's method so that

the end-user is able to remove files that are no longer of interest thereby being cost effective.

Claims 12-13 are similar in scope to claims 3-4 respectively, and are therefore rejected

under similar rationale.

Claims 6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiser et

al. ("Wiser", US 6,385,596) in view of Gongwer et al. (US 6,138,120) in view of Speicher (US

2004/0260792) further in view of Sauerwine (US 5,421,620).

As per claim 6, Wiser, Gongwer, and Speicher teach the step of causing a user interface

to be displayed at the client, wherein the user interface allows entry of encoding requests and

allows uploading of the media program from the client to a server over the network (col.20, lines

65-67; col.21, lines 1-2). However, they fails to teach the step of providing to the client an

encoding request form through the user interface, wherein the encoding request form includes a

mailing bar code. Sauerwine teaches a method of creating a mailer business form having a

mailing bar code (fig. 1, mailing bar code 136). It would have been obvious to an artisan at the time of the invention to include Sauerwine's teaching with method of Wiser, Gongwer, and Speicher in order to provide the option of mailing the media file associated with a bar code for tracking the file.

Claim 15 is similar in scope to claim 6, and is therefore rejected under similar rationale.

Claims 7-8 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiser et al. ("Wiser", US 6,385,596) in view of Gongwer et al. (US 6,138,120) in view of Speicher (US 2004/0260792) further in view of Vigneaux et al. ("Vigneaux", US 5,852,435).

As per claims 7-8, although Wiser, Gongwer, and Speicher teach the control of managing files, they fail to teach the control of the design of the files. Vigneaux teaches a multimedia editing system providing automated online design control, wherein the design control comprises the control of one or more of sequencing of segments of the one or more encoded media files; selection of music for each segment of the one or more encoded media riles; and alteration of the segments of the one or more encoded media files, wherein the segments of the one or more encoded media files comprise two or more slides, frames, or video clips (col.9, lines 1-6). It would have been obvious to an artisan at the time of the invention to include Vigneaux's teaching with method of Wiser, Gongwer, and Speicher in order to allow the user to arrange the media file to the user's viewing preference.

Claims 16-17 are similar in scope to claims 7-8 respectively, and are therefore rejected under similar rationale.

Claims 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiser et

al. ("Wiser", US 6,385,596) in view of Gongwer et al. (US 6,138,120) in view of Speicher (US

2004/0260792) further in view of Candelore (US 6,057,872).

As per claim 9, Wiser teaches the purchasing of media files. However, Wiser, Gongwer,

and Speicher fail to teach the purchasing of credits for each transaction. Candelore teaches a

credit purchasing system, wherein credits are purchased by an end-user; a predetermined number

of credits are associated with each e-commerce transaction associated with the comprehensive

remote servicing of the media program; and pricing of credits are inversely proportionate to a

number of credits purchased (col. 1, lines 65-67; col.9, lines 10-15). It would have been obvious

to an artisan at the time of the invention to include Candelore's teaching with method of Wiser,

Gongwer, and Speicher in order to provide a method of purchasing media files whereby

continuous users are provided a discount for their loyalty to the service thereby providing

incentive for users to purchase many credits.

Claim 18 is similar in scope to claim 9, and is therefore rejected under similar rationale.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sparks et al.

("Sparks", US 6,298,385) in view of Speicher (US 2004/0260792)

As per claim 19, Sparks teaches a method for hosting media content over a network,

comprising:

receiving a request to host a media program file in a selected encoding format (col.5,

lines 1-6);

encoding the media program in the selected encoding format (col.5, lines 1-6), and

hosting the encoded media file on a hosting server, wherein the hosting server is

configured to allow selective access to the encoded media file over a network (col.5, lines 6067).

However Sparks et al. fails to teach the selected encoding format being selected from a

first encoding format with a first coder/decoder ("codec") and a second format with a second

codec that differs from the first codec.

Speicher teaches the selected encoding format being selected from a first encoding format

with a first coder/decoder ("codec") and a second format with a second codec that differs from

the first codec. (paragraph 70-73)

It would have been obvious to an artisan at the time of the invention to include Speicher's

teaching with method of Sparks in order to allow user to view different video formats.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sparks et al.

("Sparks", US 6,298,385) in view of Speicher (US 2004/0260792).

As per claim 20, Sparks and Speicher teach the hosting of the media file in different

encoding formats (see claim 19 above). However, Sparks and Speicher do not disclose selecting

one of a plurality of servers wherein different servers host different formats for the media file.

Official Notice is given that the use of multiple servers to handle a specific type of processing

was well known in the art at the time of the invention. It would have been obvious to an artisan

at the time of the invention to host the various formatted files on different servers in order to

effectively view the files in a timely and efficient manner.

Response to Argument

Applicant's arguments with respect to claims 1, 3-10, and 12-20 have been considered

but are deemed to be moot in view of the new grounds of rejection.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (571) 272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peng Ke

KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100